

Notice of Allowability

Application No.

10/708,262

Examiner

Michael J. Yigdall

Applicant(s)

MCKETHAN, KENNETH

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's reply filed on April 10, 2008.
2. ☒ The allowed claim(s) is/are 1,4-11,13-19,21-23,25-27,29,30,36 and 39-46 (renumbered 1-33).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20080716.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Michael J. Yigdall/
Examiner, Art Unit 2192

DETAILED ACTION

1. This Office action is responsive to Applicant's reply filed on April 10, 2008. Claims 1, 4-11, 13-19, 21-23, 25-27, 29, 30, 36 and 39-46 are pending.

Response to Amendment

2. The rejections of the claims under 35 U.S.C. 103(a) have been withdrawn in view of the amendments to the claims.

Response to Arguments

3. Applicant's arguments filed on April 10, 2008 have been fully considered and are persuasive in view of the amendments to the claims. The rejections of the claims have been withdrawn as noted above.

Examiner's Amendment

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with R. Brian Drozd (Reg. No. 55,130) on July 15, 2008.

5. The claims are amended, as presented below, to adopt the changes that Applicant's representative provided to the examiner on July 15, 2008 (see attached submission). The amendments address issues of non-statutory subject matter under 35 U.S.C. 101 and more particularly point out and distinctly claim the invention.

IN THE CLAIMS

Please amend claims 1, 4-11, 13-19, 21, 36 and 39-46 as follows:

1. (Currently Amended) A computer-implemented method to gauge and control churn of a project, comprising:

determining an estimated project churn, wherein project churn includes any identifiable and unplanned changes to a scope of the project;

identifying at least one task of the project requiring rework or modification;

collecting heuristic information on each task of the project requiring rework or modification in response to any potential project changes for determining the estimated project churn, wherein collecting heuristic information comprises at least one of:

collecting a time to complete a same or a similar task in another project;

sampling a plurality of times to complete the same or similar task in a plurality of other projects; and
surveying a plurality of experienced project managers to provide an estimated time requirement to complete the task;
entering at least optimistic, pessimistic and expected time requirements for reworking or modifying each task of the project requiring rework or modification in response to any potential project changes; and
allocating resources in response to the estimated project churn based on the collected heuristic information and the at least optimistic, pessimistic and expected time requirements for each task of the project.

2. Canceled

3. Canceled

4. (Currently Amended) The computer-implemented method of claim 1, further comprising performing a weighted average duration analysis for each task of the project requiring rework or modification in response to any potential project changes.

5. (Currently Amended) The computer-implemented method of claim 1, further comprising determining an average time requirement to rework or modify each task of the project requiring rework or modification in response to any potential project changes.

6. (Currently Amended) The computer-implemented method of claim 5, wherein determining the average time requirement comprises averaging at least an optimistic, pessimistic and expected time requirement to rework or modify each task of the project requiring rework or modification in response to any potential project changes.

7. (Currently Amended) The computer-implemented method of claim 6, further comprising entering a weight factor for each optimistic, pessimistic and expected time requirement.

8. (Currently Amended) The computer-implemented method of claim 7, further comprising performing a weighted average duration analysis on the average time requirement for each task of the project requiring rework or modification in response to any potential project changes.

9. (Currently Amended) The computer-implemented method of claim 8, further comprising determining an impact to the project in response to the weighted average duration analysis.

10. (Currently Amended) The computer-implemented method of claim 1, further comprising tracking reworked tasks and time duration to complete each reworked task during the course of the project.

11. (Currently Amended) A computer-implemented method to gauge and control churn of a project, comprising:

entering a project-specific task list;

identifying at least one task requiring rework or modification;

entering at least optimistic, pessimistic and expected time requirements to rework or modify each task of the project requiring rework or modification in response to any potential project changes;

collecting heuristic information on each task of the project to determine the optimistic, pessimistic and expected time requirement to rework or modify each task of the project requiring rework or modification in response to any potential project changes, wherein collecting heuristic information comprises at least one of:

collecting a time to complete a same or a similar task in another project;

sampling a plurality of times to complete the same or similar task in a plurality of other projects;
surveying a plurality of experienced project managers to provide an estimated time requirement to complete the task;
entering a weighting factor for each of the optimistic, pessimistic and expected time requirements to perform a weighted average duration analysis;
determining an average time requirement to rework or modify each task requiring rework or modification in response to any potential project changes;
performing the weighted average duration analysis on any tasks requiring rework or modification in response to any potential project changes;
determining an impact to the project in response to the weighted average duration analysis; and
presenting the impact to a user.

12. Canceled

13. (Currently Amended) The computer-implemented method of claim 11, wherein performing the weighted average duration analysis comprises performing a program evaluation and review technique (PERT).

14. (Currently Amended) The computer-implemented method of claim 11, wherein determining the impact to the project comprises totaling times for all affected tasks from the weighted average duration analysis.

15. (Currently Amended) The computer-implemented method of claim 11, further comprising allocating resources in response to the impact to the project.

16. (Currently Amended) The computer-implemented method of claim 11, further comprising tracking reworked tasks and time duration to complete each reworked task during the course of the project.

17. (Currently Amended) The computer-implemented method of claim 11, further comprising presenting the impact to the project to provide an early warning.

18. (Currently Amended) The computer-implemented method of claim 11, wherein entering the project-specific tasks comprises generating a graphical user interface for a user to enter the tasks.

19. (Currently Amended) The computer-implemented method of claim 11, wherein entering the at least optimistic, pessimistic and expected time requirements comprises generating a graphical user interface for a user to enter the time requirements.

20. Canceled

21. (Currently Amended) A system to gauge and control churn of a project, comprising:
an input device to enter heuristic information on each task of a project requiring rework or modification in response to any potential project changes, wherein the project has at least one task requiring rework or modification, and wherein the heuristic information comprises:

time to complete a same or a similar task in another project;

a sampling of a plurality of times to complete the same or similar task in a plurality of other projects; and

a survey a plurality of experienced project managers to provide an estimated time requirement to complete the task; and

a user interface generator to generate a graphical user interface displayable to a user to enter at least optimistic, pessimistic and expected time requirements for reworking or modifying each task of the project requiring rework or modification in response to any potential project changes;

a processor;

an analysis program operable on the processor to determine an impact to the project in response to any potential project changes using the heuristic information,

wherein the analysis program is adapted to utilize the at least optimistic, pessimistic and expected time requirements for each task of the project and a weighting factor for each of the at least optimistic, pessimistic and expected time requirements to determine the impact to the project; and
an output device to present the impact to a user.

22. (Original) The system of claim 21, further comprising a display to present graphical user interfaces for entering the heuristic information and other information.

23. (Original) The system of claim 22, further comprising a user interface generator to generate a graphical user interface displayable to a user on the display to enter a project-specific task list.

24. Canceled

25. (Previously Presented) The system of claim 21, wherein the user interface generator is adapted to generate a graphical user interface to enter the weighting factor for each of the at least optimistic, pessimistic and expected time requirements to perform a weighted average duration analysis.

26. (Original) The system of claim 21, wherein the analysis program comprises a weighted average duration analysis program.

27. (Original) The system of claim 26, wherein the analysis program comprises a programmed evaluation and review technique (PERT).

28. Canceled.

29. (Original) The system of claim 21, further comprising means to track reworked tasks and time duration to complete each reworked task during the course of the project.

30. (Original) The system of claim 21, further comprising means to allocate resources in response to the impact to the project.

31.-35. Canceled

36. (Currently Amended) A computer-readable storage medium encoded with computer-executable instructions for performing a method, wherein the computer-readable storage medium is one of an electronic, optical, electromagnetic, infrared or semiconductor system, the method comprising:

- determining an estimated project churn, wherein project churn includes any identifiable and unplanned changes to a scope of the project;

- identifying at least one task requiring rework or modification;

- collecting heuristic information on each task of the project requiring rework or modification in response to any potential project changes for determining the estimated project churn, wherein collecting heuristic information comprises at least one of:

- collecting a time to complete a same or a similar task in another project;

- sampling a plurality of times to complete the same or similar task in a plurality of other projects; and

- surveying a plurality of experienced project managers to provide an estimated time requirement to complete the task;

- entering at least optimistic, pessimistic and expected time requirements for reworking or modifying each task of the project requiring rework or modification in response to any potential project changes; and

- allocating resources in response to the estimated project churn based on the collected heuristic information and the at least optimistic, pessimistic and expected time requirements for each task of the project.

37. Canceled

38. Canceled

39. (Currently Amended) The computer-readable storage medium encoded with computer executable instructions for performing the method of claim 36, further comprising performing a weighted average duration analysis for each task of the project requiring rework or modification in response to any potential project changes.

40. (Currently Amended) The computer-readable storage medium encoded with computer executable instructions for performing the method of claim 36, further comprising determining an average time requirement to rework or modify each task of the project requiring rework or modification in response to any potential project changes.

41. (Currently Amended) The computer-readable storage medium encoded with computer executable instructions for performing the method of claim 36, wherein determining the average time requirement comprises averaging at least an optimistic, pessimistic and expected time requirement to rework or modify each task of the project requiring rework or modification in response to any potential project changes.

42. (Currently Amended) The computer-readable storage medium encoded with computer executable instructions for performing the method of claim 41, further comprising entering a weight factor for each optimistic, pessimistic and expected time requirement.

43. (Currently Amended) The computer-readable storage medium encoded with computer executable instructions for performing the method of claim 42, further comprising performing a weighted average duration analysis on the average time requirement for each task of the project requiring rework or modification in response to any potential project changes.

44. (Currently Amended) The computer-readable storage medium encoded with computer executable instructions for performing the method of claim 36, further comprising generating a graphical user interface for a user to enter a project-specific task list.

45. (Currently Amended) The computer-readable storage medium encoded with computer executable instructions for performing the method of claim 36, further comprising generating a graphical user interface for a user to enter at least optimistic, pessimistic and expected time requirements to rework or modify each task of the project requiring rework or modification in response to any potential project changes.

46. (Currently Amended) The computer-readable storage medium encoded with computer executable instructions for performing the method of claim 45, further comprising generating a graphical user interface for a user to enter a weight factor for each optimistic, pessimistic and expected time requirement.

Allowable Subject Matter

6. Claims 1, 4-11, 13-19, 21-23, 25-27, 29, 30, 36 and 39-46 are allowed.
7. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or reasonably suggest, in the combinations and in such manner as recited in independent claims 1, 11, 21 and 36, gauging and controlling churn of a project that includes at least one task requiring rework or modification, comprising collecting heuristic information on each task of the project requiring rework or modification in response to any potential project changes, entering at least optimistic, pessimistic and expected time requirements for reworking or modifying each such task, and accordingly allocating resources or determining an impact to the project, such as reflected in the arguments filed on April 10, 2008 (see Applicant's remarks, pages 10-15).

8. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is 571-272-3707. The examiner can normally be reached on Monday to Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael J. Yigdall
Examiner
Art Unit 2192

/Michael J. Yigdall/
Examiner, Art Unit 2192